



Ohio Administrative Code

Rule 5101:12-60-05.3 The administrative review.

Effective: February 11, 2019

(A) A child support enforcement agency (CSEA) shall evaluate a case when it is determined that an administrative review may be required or a JFS 01849, "Request for an Administrative Review of the Child Support Order" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), is received. When the CSEA is required to conduct an administrative review, the CSEA shall initiate action to adjust the child support order in accordance with the guidelines.

(B) The CSEA is required to conduct an administrative review when:

(1) An administrative review is required pursuant to paragraph (A) or (B) of rule 5101:12-60-05.1 of the Administrative Code;

(2) Any party to the child support order requests an administrative review pursuant to paragraph (D) of rule 5101:12-60-05.1 of the Administrative Code;

(3) Any party requests an administrative review pursuant to paragraph (E) of rule 5101:12-60-05.1 of the Administrative Code and the requesting party submits sufficient evidence or information to support such a request; or

(4) The obligor requests an administrative review pursuant to rule 5101:12-60-05.2 of the Administrative Code and the obligor submits sufficient evidence or information to support such a request.

(C) The CSEA is not required to conduct an administrative review when:

(1) No party resides in Ohio, unless the request is made in accordance with rule 5101:12-60-05.2 of the Administrative Code or the parties have consented in a record or open court that the tribunal in Ohio, may continue to exercise jurisdiction to modify its order. When the CSEA denies such a



request for an administrative review, the CSEA shall notify the requesting party to contact the IV-D agency in the requesting party's state of residence.

(2) It has been less than thirty-six months from the date of the most recent child support order and the CSEA determines that the request for the administrative review is a frequent request and there is no evidence to support the request. "Frequent request" is defined as more than one request for an administrative review per party in a three-month period. When the CSEA denies such a request for an administrative review, the CSEA shall notify the requesting party of the denial and the reason for the denial.

(3) It has been less than thirty-six months from the date of the most recent child support order and the CSEA determines that the requesting party has failed to provide evidence or information, in accordance with paragraph (E) of rule 5101:12-60-05.1 or paragraph (C) of rule 5101:12-60-05.2 of the Administrative Code, necessary to support the administrative review request. When the CSEA denies such a request for an administrative review, the CSEA shall notify the requesting party or the person appointed by the obligor as having military power of attorney of the denial and the reason for the denial.

(D) The CSEA shall complete the evaluation and make a determination of whether an administrative review is required to be conducted within the following time frames:

(1) No later than fifteen days after the following:

(a) The thirty-six month anniversary of the date of the most recent child support order when the CSEA is required to complete an administrative review pursuant to paragraph (A) of rule 5101:12-60-05.1 of the Administrative Code;

(b) The date the CSEA identifies that an administrative review is required pursuant to paragraph (B) of rule 5101:12-60-05.1 of the Administrative Code; or

(c) The date the CSEA receives a JFS 01849 from any party requesting an administrative review pursuant to paragraph (D) or (E) of rule 5101:12-60-05.1 of the Administrative Code.



(2) No later than three business days after receipt of a JFS 01849 from an obligor requesting an administrative review pursuant to rule 5101:12-60-05.2 of the Administrative Code.

(E) The CSEA shall conduct the administrative review within one hundred eighty days of:

(1) Receiving a JFS 01849 or locating the non-requesting party, when the most recent child support order was issued on or before February 10, 2019 (indicating that the order does not contain notice to the parties pursuant to section 3121.29 of the Revised Code), whichever occurs later; or

(2) Receiving a JFS 01849, when the most recent child support order was issued on or after February 11, 2019 (indicating that the order does contain notice to the parties pursuant to section 3121.29 of the Revised Code).

(F) In accordance with paragraph (E)(1) or (E)(2) of this rule, the CSEA shall:

(1) Determine that the request for the administrative review does not meet the administrative review criteria and issue a JFS 07613, "Administrative Adjustment Review Denial Notice" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to the requesting party that includes the reason for the denial, or

(2) Determine that the request for the administrative review does meet the administrative review criteria, then schedule the administrative review in accordance with paragraph (G)(1)(a) of this rule, and:

(a) Conduct the review to determine whether or not the child support order should be adjusted, or

(b) Issue a JFS 01868, "Dismissal of Administrative Review Request" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to dismiss the scheduled review:

(i) In accordance with paragraph (G)(2)(b) of this rule, or

(ii) At the request of the requesting party before the date certain.



(G) When an administrative review is to be conducted:

(1) The CSEA shall:

(a) Schedule the review for a date that is at least thirty days in the future;

(b) Issue to the last known address of the parents, at least thirty days before the date certain:

(i) A JFS 07606, "Administrative Adjustment Review Notification" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), and

(ii) A JFS 00593, "Child Support Financial Affidavit" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code);

(c) Issue a JFS 00592, "Caretaker Notification of Administrative Adjustment Review" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to the last known address of the caretaker, if a caretaker exists.

(2) The JFS 07606 notifies each parent to provide the CSEA with the information and documents listed on the JFS 00593 no later than the date of the scheduled review, pursuant to section 3119.60 of the Revised Code.

(a) Should either parent fail to submit the required information, the CSEA may do either of the following:

(i) Request the court of appropriate jurisdiction of the county in which the agency is located to issue an order requiring the parent to provide the information as requested; or

(ii) Make any reasonable assumptions necessary with respect to the information the parent did not provide to ensure a fair and equitable review of the child support order or establishment of an administrative order under section 3111.81 of the Revised Code.

(b) When a requesting parent fails to submit the information in accordance with paragraph (G)(2) of



this rule, the CSEA may issue a JFS 01868 to the parties indicating that the administrative review has been abandoned by the requesting party. Any party has the right to submit a new JFS 01849.

(c) A caretaker is not required to submit any information to the CSEA for the administrative review.

(3) When the parents wish to conduct the administrative review sooner than the required thirty day time period and the CSEA has sufficient information to proceed with an administrative review, both parents must complete a waiver and submit the waiver to the CSEA. Upon receipt of the completed waivers, the CSEA shall conduct the administrative review on a date specified and agreed upon by both parents and the CSEA. When the parents and CSEA fail to agree upon a date, the administrative review shall occur on the date certain.

(4) It is not necessary for any party to be present at the administrative review.